

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: II NAH	Group Art Unit: 3677
Appln. No.	: 10/720,337	Examiner: Michael J. Kyle
Filed	: November 25, 2003	Confirmation No.: 3926
For	: INSERT - NUT OF A CARRIER IN A CAR	

REPLY BRIEF UNDER 37 C.F.R. §41.41

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's Answer, dated August 23, 2006, to the Appeal Brief filed June 5, 2006, Appellant submits the present Reply Brief within the two-month response period expiring on October 23, 2006.

Remarks begin on page 2 of this paper.

REMARKS

Applicant submits that the Examiner's grounds of rejection, presented at pages 3-5 of the Examiner's Answer, are unchanged from the grounds of rejection set forth in pages 2-3 of the Final Official Action mailed on January 3, 2006. Appellant respectfully submits that the Appeal Brief filed June 5, 2006 has fully addressed the reasons the 35 U.S.C. §103 rejection of claims 1-24 over Gauron in view of Kann is improper. Accordingly, the herein-contained remarks are merely supplemental to the Appeal Brief filed on June 5, 2006. In order to facilitate review of this Reply Brief, the present remarks are limited to addressing the Examiner's remarks found in the "Response to Argument" section at pages 5-10 of the Examiner's Answer.

At pages 5-8 of the Appeal Brief, Appellant submitted that there was no reason, suggestion or motivation to provide Gauron's insert panel fastener element with a polygonal shape because the fastener element is not riveted to a panel, and thus providing it with a polygonal shape does not better secure it against turning, as asserted by the Examiner.

In response, the Examiner argues, at page 6 of the Examiner's Answer, that Kann teaches that insert nut member 11 is "firmly held in the plate and also secure against turning", and thus provides an explicit reason and motivation for using a hexagonal section.

However, Appellant respectfully submits that this teaching is only applicable for riveted fasteners, and does not extend to fastener elements, such as Gauron's, which are not riveted when fastened to a panel. In this regard, Appellant submits that the prism portion 11 of Kann's clinch nut secures the clinch nut against turning only

because the edges of the prism portion 11 are forced into the material of a plate 14 by a punch 18 and riveted. See e.g., col. 3, lines 11-17 of Kann. Each edge portion of Kann's prism portion 11 forms a wedge which is embedded in the material of the plate 14 to prevent turning. See col. 3, lines 31-38 of Kann.

The Examiner argues, at page 6 of the Examiner's Answer, that the flat sides and angles of a polygon create a torque in reaction to a turning force that resists rotation, and act to create a resistive force against the resin or carrier in response to a rotational force applied to the insert nut. However, Appellant respectfully submits that Kann does not teach that the flat sides and angles of the polygon do so without embedding the polygon into a material with a riveting operation.

For the reasons discussed above and in the Appeal Brief, Appellant respectfully submits that Kann does not teach a general concept that a polygonal shape resists rotation, as the Examiner asserts it does. Rather, Appellant submits that this is impermissible hindsight reasoning formed by the Examiner. In this regard, the Examiner goes so far as to cite the asserted motivation of the Appellant for inventing a insert-nut having a polygonal shape as evidence that one of ordinary skill art would be motivated to provide an insert-nut having a polygonal shape.

For at least these reasons, Appellants respectfully submit that the Examiner has failed to set forth a justifiable rationale for the 35 U.S.C. §103(a) rejection of claims 1-24.

CONCLUSION

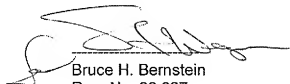
Accordingly, for each and all of the reasons noted herein and in the Appeal Brief of June 5, 2006, Appellant submits that the rejections of claims 1-24 under 35 U.S.C.

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§103(a) is inappropriate and unsupported by the proposed combination of Gauron and Kann. Therefore, Appellant respectfully requests that the decision of the Examiner to reject claims 1-24 be reversed, and that the application be returned to the Examiner for withdrawal of the rejections, and an early allowance of claims 1-24 on appeal.

Should the Examiner or the Board of Patent Appeals and Interferences have any questions, they are respectfully requested to contact the undersigned at the telephone number provided below.

Respectfully submitted,
II NAH

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

Bruce H. Bernstein
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October 23, 2006
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